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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

11	ERIC L. GRIFFIN,)	No. 2:22-cv-03012-PA-JDE
12	Petitioner,)	
13	v.)	ORDER TO SHOW CAUSE
14	LOS ANGELES SHERIFFS COUNTY)	WHY THE PETITION
15	JAIL,)	SHOULD NOT BE
16	Respondent.)	DISMISSED

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18 I.

19 INTRODUCTION

20 On May 4, 2022, Petitioner Eric L. Griffin ("Petitioner"), a pretrial
21 detainee at North County Correctional Facility ("North County"), proceeding
22 pro se, filed a Petition for Writ of Habeas Corpus by a Person in State Custody
23 pursuant to 28 U.S.C. § 2254. Dkt. 1 ("Petition" or "Pet."). The Court has
24 reviewed the Petition consistent with its authority under Rule 4 of the Rules
25 Governing Section 2254 Cases in the United States District Courts ("Habeas
26 Rules") and finds that the Petition suffers from several defects. The Court
27 therefore orders Petitioner to show cause why this action should not be
28 dismissed.

II.

DISCUSSION

District courts are required to “promptly examine” all federal habeas petitions brought under 28 U.S.C. § 2254 and, “[i]f it plainly appears from the petition . . . that the petitioner is not entitled to relief,” the “judge must dismiss the petition[.]” Habeas Rule 4; Mayle v. Felix, 545 U.S. 644, 656 (2005). Here, the Petition suffers from the following defects: (1) Petitioner has failed to allege any federal grounds for relief; (2) the Court must abstain from intervening in Petitioner’s ongoing state criminal case; (3) Petitioner has failed to name the proper respondent; and (4) Petitioner has not filed a compliant request to proceed in forma pauperis.

A. Petitioner has Failed to Allege Any Grounds for Relief

First, the Petition is subject to dismissal because Petitioner has not asserted any cognizable federal claims. “In conducting habeas review, a federal court is limited to deciding whether a conviction violated the Constitution, laws, or treaties of the United States.” Estelle v. McGuire, 502 U.S. 62, 68 (1991); Smith v. Phillips, 455 U.S. 209, 221 (1982) (“A federally issued writ of habeas corpus, of course, reaches only convictions obtained in violation of some provision of the United States Constitution.”). The Habeas Rules require a statement of all grounds for relief and the facts supporting each ground, and the petition should state facts that point to a real possibility of constitutional error and show the relationship of the facts to the claim. See Habeas Rule 2(c); Habeas Rule 4, Advisory Committee Notes to 1976 Adoption; Felix, 545 U.S. at 655; O’Bremski v. Maass, 915 F.2d 418, 420 (9th Cir. 1990) (as amended). Allegations in a petition that are vague, conclusory, palpably incredible, or unsupported by a statement of specific facts, are insufficient to warrant relief, and are subject to summary dismissal. See Jones v. Gomez, 66 F.3d 199, 204-

05 (9th Cir. 1995); James v. Borg, 24 F.3d 20, 26 (9th Cir. 1994); Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir. 1990).

Here, Petitioner has not identified a single ground for relief. He did not complete the section of the form habeas petition requiring him to identify his grounds for relief (Pet. at 5) and did not otherwise describe his claims. Instead, he merely checked the box on the form habeas petition indicating that the Petition concerns an issue “other” than a conviction, prison discipline, or parole problem, without any explanation. Id. at 2. Thus, it is unclear what claims Petitioner seeks to pursue. Accordingly, the Petition falls short of the minimal clarity required to proceed.

B. Younger Abstention Appears Warranted

Petitioner is facing multiple criminal charges in Los Angeles County Superior Court. Pet. at 2; Los Angeles County Superior Court, Case No. LA096402, at <https://www.lacourts.org> (reflecting that the case is pending).¹ To the extent Petitioner requests that this Court intervene in his ongoing state criminal proceeding, Younger abstention is warranted.

Comity and federalism require federal courts to abstain from intervening in pending state criminal proceedings absent extraordinary circumstances. See Younger v. Harris, 401 U.S. 37, 43-45 (1971). Younger abstention is warranted when: (1) the state court proceeding is ongoing; (2) the proceeding implicates important state interests; (3) the state proceeding provides an adequate opportunity to raise constitutional challenges; and (4) the requested relief

¹ Courts may take judicial notice of the existence of court filings and another court’s orders. See Holder v. Holder, 305 F.3d 854, 866 (9th Cir. 2002) (taking judicial notice of opinion and briefs filed in another proceeding); United States ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc., 971 F.2d 244, 248 (9th Cir. 1992) (courts “may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue” (citation omitted)).

1 “seek[s] to enjoin” or has “the practical effect of enjoining” the ongoing state
2 judicial proceeding. Arevalo v. Hennessy, 882 F.3d 763, 765 (9th Cir. 2018)
3 (citation omitted). In such circumstances, federal district courts should abstain
4 from intervening in the ongoing state criminal proceeding absent extraordinary
5 circumstances. See, e.g., Middlesex Cty. Ethics Comm. v. Garden State Bar
6 Ass’n, 457 U.S. 423, 435-37 (1982); (absent a showing of “bad faith,
7 harassment, or some other extraordinary circumstance,” federal courts should
8 abstain from interfering in ongoing state judicial proceedings); Kugler v.
9 Helfant, 421 U.S. 117, 130 (1975) (explaining that Supreme Court precedent
10 establishes that “at least in the absence of ‘extraordinary circumstances’ federal
11 courts must refuse to intervene in state criminal proceedings to suppress the
12 use of evidence claimed to have been obtained through unlawful means”).

13 Here, all of the Younger criteria are present. First, Petitioner’s state
14 criminal proceeding is ongoing as reflected in the Petition and the superior
15 court’s on-line case information summary. Second, a state’s task of enforcing
16 its laws against socially harmful conduct is “important and necessary,”
17 Younger, 401 U.S. at 51-52, and as such, the state proceeding implicates
18 important state interests. Third, as the superior court proceeding is ongoing
19 and appellate remedies remain available, Petitioner has an adequate state
20 forum in which to pursue his claims. See Pennzoil Co. v. Texaco, Inc., 481
21 U.S. 1, 15 (1987) (“[W]hen a litigant has not attempted to present his federal
22 claims in related state-court proceedings, a federal court should assume that
23 state procedures will afford an adequate remedy, in the absence of
24 unambiguous authority to the contrary.”). Fourth, a ruling by this Court in
25 Petitioner’s favor could have the practical effect of enjoining the ongoing state
26 proceeding. Finally, no “extraordinary circumstances” exist to overcome the
27 abstention. See Middlesex Cty. Ethics Comm., 457 U.S. at 435-37. As such,
28 Younger abstention is warranted.

1 **C. Other Defects**

2 The Petition also suffers from at least two other defects.

3 First, Petitioner has failed to name the appropriate respondent. The
 4 proper respondent for a habeas petition is the petitioner's "immediate
 5 custodian." See Brittingham v. United States, 982 F.2d 378, (9th Cir. 1992)
 6 (per curiam). Where a state pretrial detainee brings a federal habeas petition,
 7 the Sheriff is the proper respondent. Devaughn v. Cooley, 2009 WL 224060, at
 8 *2 (C.D. Cal. Jan. 29, 2009). The Ninth Circuit has held that the failure to
 9 name the correct respondent destroys personal jurisdiction. See Ortiz-Sandoval
 10 v. Gomez, 81 F.3d 891, 894 (9th Cir. 1996) (as amended); Stanley v. Cal.
 11 Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994) (as amended). Here,
 12 Petitioner purports to name the "Los Angeles Sheriffs County Jail," not the
 13 Sheriff of Los Angeles County, as required.

14 Second, Petitioner did not pay the \$5 filing fee for a federal habeas
 15 petition (see 28 U.S.C. § 1914(a)) and did not alternatively file a completed
 16 application to proceed without prepayment of the filing fee ("IFP
 17 Application") as required by 28 U.S.C. § 1915. The Clerk is directed to send
 18 Petitioner a form IFP Application by a person in custody, which Petitioner is
 19 required to prepare in full, and obtain any necessary information and
 20 certification from staff at the facility where he is incarcerated if he wishes to
 21 proceed without prepayment of the filing fee. To the extent Petitioner contends
 22 North County staff have "refus[ed] to fill out" the application (Pet. at 11),
 23 Petitioner shall provide specific details regarding his efforts to obtain the
 24 required certification in any response to this Order.

25 **III.**

26 **CONCLUSION AND ORDER**

27 For the foregoing reasons, the Petition is subject to dismissal. Petitioner
 28 is ORDERED TO SHOW CAUSE why this action should not be dismissed

1 without prejudice by filing a written response by **no later than thirty (30) days**
2 **from the date of this Order** which sets forth any valid legal and/or factual
3 reasons why the Petition should not be dismissed.

4 Alternatively, Petitioner may voluntarily dismiss this action by signing
5 and returning the attached Notice of Dismissal under Federal Rule of Civil
6 Procedure 41(a). The Clerk also is directed to provide a Form Notice of
7 Dismissal with this Order.

8 Petitioner is cautioned that a failure to respond timely in compliance
9 with this Order may result in this action being dismissed for the foregoing
10 reasons, for failure to prosecute, and for failure to comply with a Court order.
11 See Fed. R. Civ. P. 41(b).

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13 Dated: May 10, 2022

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16 JOHN D. EARLY
17 United States Magistrate Judge
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